IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 402200)

#14
5/6/04

In re the Application of:

WILLIAM WELLS, et al.

Serial No.: 09/491,899

Filed: January 27, 2000

For: Gaming Terminal and System With Biometric Identification

Art Unit: 2175

Examiner: Hasson Mahmoudi

TO: MAIL STOP: DD
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant's attorney wishes to make of record certain references which have been made of record in another patent application, Bhakta Serial No 10/040,603 (P-699) filed January 7, 2002, and other references. A PTO reference citation form and copies of the references are enclosed, along with a check for $180.00 as the IDS reference citation fee.

In Walker '404, a gaming method is disclosed in which the player may enter his biometric input into the system, as described for example at column 6, lines 42-55. The biometric input is converted into a numeric player input code. Then, as described at column 6, line 60 – column 7, line 12, the numeric input code from the player, which may have a biometric origin, is combined with a random number (as in Steps 130 and 135 of Fig. 6A), which is stored and processed in accordance with a combination algorithm so that a combined value is formed from the random number and the player

input code, which may have a biometric origin. From this combined value, the game outcome is determined.

This represents a very different usage of biometric data from what is contemplated in this present invention.

Walker '404 lacks any teaching of steps (c) and (d) of claim 21. From the present specification, it is clear that the "one more authenticator" is biometric data. Step (c) calls for a first authenticator, which is not necessarily biometric and the "one more authenticator" which is biometric, and is associated with the player. It is submitted that there is no teaching in Walker et al. of this first authenticator, which acts in the form of a double check, so that two authenticators are used with each player.

Then, in Step (d) of claim 21, further player identification is provided by the associated biometric reader, using the first authenticator and the at least one more authenticator, which is the biometric data that is already entered. This entered biometric data is used to identify the player, making use of the associated biometric reader. Specifically, the data from the associated biometric reader can be compared with the at least one more authenticator, which is also biometric. A match thus provides player authentication, with the added confidence being provided by the first authenticator, which may be typically not biometric.

This use of biometric data and the identification thereof, is a completely different use from the biometric data techniques of Walker '404. In Walker '404, the biometric data is turned into a numerical quantity which is used in an algorithm to determine the outcome of a game (i.e., positions of reels 34, 36, and 38 as stated in column 7, line 10. To the contrary, the biometric data of this invention, and particularly claims 21-23, is for

the purpose of player identification at a game device, having no bearing (in the specific embodiments disclosed) on the game outcome. Control of the game outcome is one thing. Authentication of a player is another thing. It is submitted that the use of biometric information to control a game outcome teaches nothing about the use of biometric information for player identification.

Thus, it is believed that claim 21 is patentable over Walker '404.

Turning to claim 22, here also, a method is disclosed where two authenticators are created, at least one of the authenticators being in the form of biometric data. As stated before, the use of biometric data in Walker '404 does not authenticate anything. Rather, it is used in the determination of game outcomes.

Similarly, it is believed that there is no teaching in Walker '404 of the language of claim 22:

> "associating said first authenticator and said at least one more authenticator with a player and further identifying said first authenticator as an authenticator that will be the authenticator used for searching and identifying said player in a player identification database..."

Furthermore, the last three lines of claim 22 call for "... providing player identification at a game device having an associated biometric reader using said first authenticator and at least one more of said authenticators." That added authenticator is a biometric authenticator, and participates as specified in claim 22 in providing player identification, not the determining of a game outcome, as in Walker '404.

Similarly, in claim 23 of this application, at least a first and a second authenticator are taught, contrary to Walker '404, in which the second authenticator is a user of biometric data, where the first and second authenticator data comprise an entry in the

player identification database, and the player is uniquely associated with that double authenticator entry.

Then, in claim 23, a desired electronic transfer is put forth, and the second, biometric authenticator is used to confirm and authorize the desired electronic transfer.

It is submitted that this use of biometric information is not taught in Walker '404.

Matchett et al. U.S. Patent No. 5,229,764 does not remedy the deficiencies of Walker '404.

Turning to claim 1, as amended, it covers the concept of a biometric data storage device which comprises a debit card. Thus, for the first time, a single card serves as a cash debit card, the electronic storage capacity of which is also used to store critical biometric data for identification of the user. Thus, the user can approach a gaming apparatus and engage the apparatus with his debit card, upon which a player cash balance will be recorded. However, also, the same card provides the biometric data which is used to compare with another source of biometric data, which is measured directly from the player by means of the biometric measurement device. And, if the measured biometric data corresponds with the first biometric data stored on the debit card, there will be no notification indicating that there is an absence of match, and the play of the gaming apparatus may proceed. The cash balance on the same debit card may be read, and the gamer may thus proceed with play in the manner of a standard gaming debit card, without any significant delay or inconvenience caused by a separate step of authentication with biometric data, using a different card or some other technique. Basically, the player may hardly realize that his biometric data has been taken and compared.

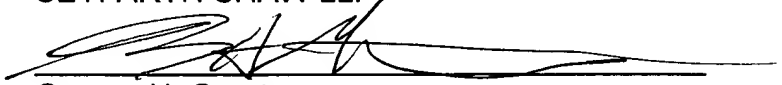
Turning to Walker '404 as stated before, the biometric data there is not used for authentication, but is used for the game outcome, a concept that is very different.

Turning to Matchett et al., biometric data is used for authentication in this system. However, at column 12 and Fig. 10, where use with gaming is specifically taught, there is no teaching of using a card, and particularly not a debit card having the double function of financial control and biometric authentication. None of that is taught in Matchett et al. There is little teaching as how the basic biometric information is obtained, for comparison with the direct biometric data which may be picked up in accordance with column 12, lines 43-63 of Matchett et al. This initial biometric information which is stored is done so in accordance with the prior art (Matchett et al. column 9, lines 23-26).

It is submitted that there is no teaching in the combination of Matchett et al. and Walker '404 of a debit card which also carries biometric information, which information may be compared with an actual biometric read out from the would-be player at the gaming site. Those skilled in the art would not find obvious such a combined debit card and biometric data storage device from any combination of the two references.

Respectfully submitted,

SEYFARTH SHAW LLP



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